

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 24, 2018

Sheila T. Reiff
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2017AP534

Cir. Ct. No. 2016SC6221

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

JAMES EDWARD GRANT,

PLAINTIFF-APPELLANT,

V.

JOHN SCHULTZ,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County:
PETER C. ANDERSON, Judge. *Affirmed.*

¶1 BLANCHARD, J.¹ James Grant, pro se, appeals the circuit court's dismissal of his small claims action for lack of proof. Defendant John Schultz has

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

failed to file a timely brief, and the untimely brief that he has filed does not address any potential legal claim in this case. I affirm because Grant failed to state a claim for relief.

¶2 In his complaint against Schultz, Grant demanded a money judgment of \$5,000. In the spot on the small claims summons and complaint form for the plaintiff to provide a “[b]rief statement of dates and facts,” Grant stated: “The defendant refused to let me use the bathroom [and] called the police and tried to get me arrested.”

¶3 I skip over events in the case that came before the de novo trial in the circuit court, when Grant and Schultz each testified. Grant testified in pertinent part that Schultz, then working in security at a downtown Madison building, denied Grant, who had entered the building as a customer of a business located there, access to a bathroom located in the building, and that Schultz eventually called the police. Schultz testified in pertinent part that he did deny Grant access to the bathroom, but only because he believed the owners of the building wanted him to do so under the circumstances presented. Schultz also testified that he did call police, but with the goal of having an officer act as a witness and not to have Grant arrested. The circuit court credited Schultz’s testimony that Schultz did not call police in order to have Grant arrested, and noted that Grant was not in fact arrested.

¶4 What I have just summarized leaves out a number of details, including some that Grant thinks are important.² But no additional facts matter to

² The short factual overview I provide is enough to explain my resolution of this appeal. The record reflects that the circuit court was patient and courteous to both parties, and specifically allowed Grant to present all evidence that he might have to present and explored with him at
(continued)

resolution of this appeal. This is because, both at the trial in the circuit court and now on appeal, Grant fails to provide a starting point for a recognizable legal claim against Schultz that is tied to any fact that was brought out at the trial.

¶5 On appeal, Grant refers, in each case only briefly, to the following legal concepts: negligence; the constitutional right of due process; the availability of enforcement of constitutional rights under 42 U.S.C. § 1983; the general proposition that governmental agencies cannot act in vindictive, retaliatory, or arbitrary ways; and the general proposition that governmental entities must act consistently with regulations that they create. In addition, he mentions what he submits are “directional signage” rules of something called the American Restroom Association. As occurred in the trial, Grant fails to line up any allegation at trial with a valid legal claim.

¶6 Grant “asks this court to read his brief generously,” bearing in mind that he lacks legal training. I bear this in mind. However, his failure is complete. It is not a question of his having missed a step, used the wrong terms, or failed to understand details of a legal rule. Accordingly, I affirm dismissal.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

some length any legal case he might have to bring against Schultz. Of course, a circuit court cannot, and the court here did not, step into the role of becoming an advocate for any party.

